

# Oral Argument Calendar

## United States Court of Appeals for the Sixth Circuit

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Tuesday, April 19, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Cole, Clay, Gibbons**

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**15-3828 Dennis Gehrisch v. Chubb Group of Insurance Co., et al.**

[1:14-cv-02439](#)

Northern District of Ohio at Cleveland

D. Nugent

Plaintiff appeals the dismissal for failure to state a claim of his complaint seeking a declaration of his rights under a policy of insurance on his new Aston Martin vehicle, which was damaged while being transported by a third party carrier. (15 Minutes Per Side) .

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**15-5903 Andrew Stein, et al. v. Regions Morgan Keegan Select, et al.**

[2:13-cv-02841](#)

Western District of Tennessee at Memphis

D. Vescovo

S. Mays

**15-5905 Michael Starnes, et al. v. Regions Morgan Keegan Select, et al.**

[2:13-cv-02839](#)

Western District of Tennessee at Memphis

D. Vescovo

S. Mays

Plaintiffs appeal the dismissal of their civil actions alleging a violation of the Securities Act as time-barred. (15 Minutes Per Side)

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**15-1835 USA v. Mohamad Dalalli**

[1:13-cr-00221-1](#)

Western District of Michigan at Grand Rapids

R. Jonker

Defendant appeals his judgment of conviction for conspiracy to defraud the United States, theft of public money, and unlawful procurement of naturalization. (15 Minutes Per Side)

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**15-4036 Donald Richardson v. Huber Heights Cty Schools Bd, et al.**

[3:12-cv-00342](#)

Southern District of Ohio at Dayton

T. Rose

Plaintiff appeals the July 23, 2015 summary judgment for defendant Board of Education of Huber Heights City Schools in this action brought under 42 U.S.C. 1983 alleging that defendants were deliberately indifferent to the minor plaintiff's rights and well being in connection with an assault perpetrated by two upper-class students. (15 Minutes Per Side).

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**15-1561 Alyson Luukkonen v. Comm of Social Security**

[1:13-cv-01115](#)

Western District of Michigan at Grand Rapids

R. Bell

Plaintiff appeals the judgment for the Commissioner in this action challenging the denial of supplemental security income benefits. (To Be Submitted On Briefs)

Tuesday, April 19, 2016

607 - 6th Floor West Courtroom, 9:30 A.M.

Before: **Daughtrey, Moore, Griffin**

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**15-3260 Donovan Simpson v. Warden Warren Corr. Institute**

**2:06-cv-00127**

Southern District of Ohio at Columbus

E. Sargus

Respondent appeals the district courts conditional grant of a writ of habeas corpus filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

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**15-6173 Mary Scott v. Memorial Health Care Sys, Inc.**

**1:13-cv-00361**

Eastern District of Tennessee of Chattanooga

C. Collier

Plaintiff appeals the judgment for Defendant in this action brought under the Emergency Medical Treatment and Active Labor Act, which arose from Defendant's screening and treatment of a stroke victim. (15 Minutes Per Side)

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**15-4049 Kim Graves v. Dayton Gastroenterology Inc, et al.**

**3:14-cv-00067**

Southern District of Ohio at Dayton

S. Ovington

Plaintiff appeals the summary judgment for defendants in this employment discrimination action alleging claims for hostile work environment in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e et.seq., and Ohio Rev. Code Section 4112 et seq. (To Be Submitted On Briefs)

Tuesday, April 19, 2016

607 - 6th Floor West Courtroom, 8:30 A.M.

Before: **Moore, Griffin, Stranch**

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**15-1869 Peter Bormuth v. County of Jackson**

[2:13-cv-13726](#)

Eastern District of Michigan at Detroit

M. Battani

Plaintiff appeals the district court's judgment dismissing his complaint. (15 Minutes for the Appellant; 10 Minutes for the Amicus Curiae; and 25 Minutes for the Appellee)

Tuesday, April 19, 2016

636 - 6th Floor East Courtroom, 9:30 A.M.

Before: **Siler, Sutton, Stranch**

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**14-3447 Thomas Crangle v. Bennie Kelly**

**5:13-cv-00842**

Northern District of Ohio at Akron

J. Zouhary

The petitioner appeals from the district court's judgment denying his petition for a writ of habeas corpus filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

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**15-3175 Shannon Graves, et al. v. Mahoning County, et al.**

**4:10-cv-02821**

Northern District of Ohio at Youngstown

S. Lioi

Plaintiffs appeal the dismissal, after reversal and remand by this court, of their complaint alleging that defendants improperly issued felony and misdemeanor arrest warrants in violation of plaintiffs' due process rights under the Fourth Amendment and their civil rights under 42 U.S.C. 1983. (15 Minutes Per Side)

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**15-6027 Lois Lane v. Comm of Social Security**

**6:12-cv-00216**

Eastern District of Kentucky at London

D. Reeves

Plaintiff appeals the denial of her motion for attorney's fees. (To Be Submitted On Briefs)

Tuesday, April 19, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Siler, Daughtrey, Sutton**

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**15-3809 Ronald Scherer, Sr. v. James Wiles, et al.**

[2:12-cv-01101](#) Southern District of Ohio at Columbus

A. Marbley

**15-3832 Ronald Scherer, Sr. v. James Wiles, et al.**

[2:12-cv-01101](#) Southern District of Ohio at Columbus

A. Marbley

The plaintiff appeals and the defendants cross-appeals from the summary judgment for the defendants in this legal malpractice case. (15 Minutes Per Side).

Tuesday, April 19, 2016

607 - 6th Floor West Courtroom, 2:00 P.M.

Before: **Sutton, Griffin, Sargus**

<b>15-3212 USA v. Samuel Mullet, Sr.</b>	
<a href="#">5:11-cr-00594-1</a> Northern District of Ohio at Akron	D. Polster
<b>15-3231 USA v. Lester Mullet</b>	
<a href="#">5:11-cr-00594-4</a> Northern District of Ohio at Akron	D. Polster
<b>15-3232 USA v. Levi Miller</b>	
<a href="#">5:11-cr-00594-5</a> Northern District of Ohio at Akron	D. Polster
<b>15-3237 USA v. Anna Miller</b>	
<a href="#">5:11-cr-00594-11</a> Northern District of Ohio at Akron	D. Polster
<b>15-3246 USA v. Johnny Mullet</b>	
<a href="#">5:11-cr-00594-2</a> Northern District of Ohio at Akron	D. Polster
<b>15-3247 USA v. Emanuel Schrock</b>	
<a href="#">5:11-cr-00594-7</a> Northern District of Ohio at Akron	D. Polster
<b>15-3249 USA v. Raymond Miller</b>	
<a href="#">5:11-cr-00594-9</a> Northern District of Ohio at Akron	D. Polster
<b>15-3250 USA v. Kathryn Miller</b>	
<a href="#">5:11-cr-00594-14</a> Northern District of Ohio at Akron	D. Polster
<b>15-3267 USA v. Eli Miller</b>	
<a href="#">5:11-cr-00594-6</a> Northern District of Ohio at Akron	D. Polster
<b>15-3268 USA v. Daniel Mullet</b>	
<a href="#">5:11-cr-00594-3</a> Northern District of Ohio at Akron	D. Polster
<b>15-3269 USA v. Lester Miller</b>	
<a href="#">5:11-cr-00594-8</a> Northern District of Ohio at Akron	D. Polster
<b>15-3270 USA v. Linda Schrock</b>	
<a href="#">5:11-cr-00594-12</a> Northern District of Ohio at Akron	D. Polster
<b>15-3273 USA v. Lovina Miller</b>	
<a href="#">5:11-cr-00594-13</a> Northern District of Ohio at Akron	D. Polster
<b>15-3275 USA v. Elizabeth Miller</b>	
<a href="#">5:11-cr-00594-16</a> Northern District of Ohio at Akron	D. Polster
<b>15-3277 USA v. Emma Miller</b>	
<a href="#">5:11-cr-00594-15</a> Northern District of Ohio at Akron	D. Polster

Defendants appeal their jury convictions and sentences for conspiracy (all), obstruction (15-3212, 15-3231, 15-3267 only), and false statement (15-3212 only). (30 Minutes to be Shared by Defendants; 30 Minutes for Plaintiff)

Tuesday, April 19, 2016

636 - 6th Floor East Courtroom, 2:00 P.M.

Before: **Norris, Siler, Stranch**

**15-3238 Ronald Phillips, et al. v. Mike DeWine, et al.**

**2:14-cv-02730**

Southern District of Ohio at Columbus

E. Deavers

G. Frost

Plaintiffs appeal the dismissal of their complaint and the denial of their motion for a preliminary injunction in this action brought by Ohio death row inmates challenging the constitutionality of a statutory scheme enacted to address the confidentiality of information concerning lethal injection in Ohio. (30 Minutes to be Shared by Plaintiffs; 30 Minutes for Defendants)

Wednesday, April 20, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Cole, Clay, Gibbons**

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**15-3835 Altin Shuti v. Loretta Lynch**

a060 254 668 Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies withholding of removal and protection under the Convention Against Torture. (15 Minutes Per Side)

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**15-1145 Terry Ceasor v. John Ocwieja**

5:08-cv-13641 Eastern District of Michigan at Ann Arbor

J. O'Meara

P. Komives

Petitioner appeals a district court judgment dismissing his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

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**15-1451 Curtis Copeland v. Diane Tiseo, et al.**

2:14-cv-14363 Eastern District of Michigan at Detroit

D. Hood

The State of Michigan appeals the district courts unconditional grant of a 28 U.S.C. Section 2254 petition for a writ of habeas corpus. (15 Minutes Per Side)

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**14-3797 Jillian Hobbs v. County of Summit, et al.**

5:10-cv-02069 Northern District of Ohio at Akron

S. Lioi

**14-3867 Jillian Hobbs v. County of Summit, et al.**

5:10-cv-02069 Northern District of Ohio at Akron

S. Lioi

Plaintiff appeals the dismissal of her case for lack of jurisdiction and the denial of her motion to alter or amend in this civil rights action alleging that plaintiff was detained on a burglary charge pursuant to an unconstitutional arrest warrant. Defendants cross-appeal from the district court's order, entered on remand, granting plaintiff's third motion to extend the time for appeal. (15 Minutes Per Side).



Wednesday, April 20, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Daughtrey, Moore, Griffin**

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**15-1912 USA v. Scott Dillard**

**1:14-cr-00159-2** Western District of Michigan at Grand Rapids R. Jonker

In this criminal action tried to a jury, defendant appeals his conviction of possession of unregistered firearms and silencers and possession of stolen firearms. (15 Minutes Per Side)

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**13-4342 Harry Smith v. Secretary of Labor, et al.**

12-112 Department of Labor (except OSHA)

**15-3071 Harry Smith v. Secretary of Labor, et al.**

14-063 Department of Labor (except OSHA)

Petitioner seeks review of a final decision and order on remand by the Department of Labor's Administrative Review Board in this action alleging that his employer fired him because he complained about the operational safety of his tractor-trailer (15 Minutes for Petitioner; 15 Minutes to be Shared by Respondents)

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**15-1815 USA v. Charles Washpun**

**1:97-cr-00082-22** Western District of Michigan at Grand Rapids R. Bell

Defendant appeals the district court's opinion and order finding that he is not eligible for a sentence modification based on Amendment 782 to the U.S. Sentencing Guidelines. (To Be Submitted On Briefs)

Wednesday, April 20, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Siler, Sutton, Stranch**

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**15-5429 Jackson Brumley, et al. v. Albert Brumley & Sons, Inc., et al.**

**3:08-cv-01193**

Middle District of Tennessee at Nashville

A. Trauger

Defendants appeal the judgment for Plaintiffs in this copyright action brought for declaratory and other relief, arising from questions concerning the ownership of the copyright to the song "I'll Fly Away." (15 Minutes Per Side).

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**14-2397 USA v. Lewis Bell**

**2:11-cr-20748-1**

Eastern District of Michigan at Detroit

G. Steeh

Defendant, having been found guilty of possession of a firearm by a felon, appeals the amended judgment entered following a remand for resentencing. (15 Minutes Per Side)

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**15-1592 Terry Tilley v. Kalamazoo County Road Comm, et al.**

**1:13-cv-00221**

Western District of Michigan at Grand Rapids

R. Bell

In this action alleging claims for interference and retaliation under the Family and Medical Leave Act, plaintiff appeals the summary judgment for defendants. (15 Minutes Per Side)

Wednesday, April 20, 2016

403 - 4th Floor Courtroom, 2:00 P.M.

Before: **Suhrheinrich, Moore, Gibbons**

**14-3661 USA v. Antun Lewis**

**1:08-cr-00404-1** Northern District of Ohio at Cleveland

S. Oliver

Defendant appeals his jury conviction and sentence for arson. (15 Minutes Per Side)

Wednesday, April 20, 2016

636 - 6th Floor East Courtroom, 2:00 P.M.

Before: **Cole, Clay, Sutton**

**13-3996 Cedric Carter v. Betty Mitchell**

**1:98-cv-00853**

Southern District of Ohio at Cincinnati

M. Merz

T. Rose

Petitioner, a state prisoner on death row, appeals the denial of his habeas corpus petition in which he alleges, among other things, that he was denied effective assistance of trial counsel. (30 Minutes Per Side)

Thursday, April 21, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Moore, Gibbons, Davis**

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**15-3906 Chavonne Printup v. Director, OH Dept JFS, et al.****1:15-cv-00103**

Southern District of Ohio at Cincinnati

S. Beckwith

Plaintiff appeals the district court's dismissal of her civil rights action alleging violations of due process arising from her wrongful designation as a child abuser. (15 Minutes Per Side)

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**15-5572 Violet Hogan v. Jo Ellen Jacobson, et al.****3:12-cv-00820**

Western District of Kentucky at Louisville

D. Hale

Plaintiff appeals the dismissal, for failure to state a claim, of her civil action alleging violations of the Employee Retirement Income Security Act and a state-law claim for negligence per se arising from her failure to receive benefits under a long-term disability insurance policy. (15 Minutes Per Side).

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**14-1876 Phillip Brown v. Cindi Curtin, et al.****2:09-cv-14850**

Eastern District of Michigan at Detroit

P. Duggan

V. Morgan

**15-2126 Phillip Brown v. Cindi Curtin, et al.****2:09-cv-14850**

Eastern District of Michigan at Detroit

P. Duggan

V. Morgan

Petitioner appeals a district court judgment dismissing his petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

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**15-2005 Michael Dybowski v. VCE Co LLC****2:14-cv-12282**

Eastern District of Michigan at Detroit

M. Battani

Plaintiff appeals the summary judgment for the defendant in the diversity action alleging the breach of a contractual commission plan and violation of Michigan's Sales Representative Commission Act. (To Be Submitted On Briefs)

Thursday, April 21, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Daughtrey, Clay, Stranch**

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**15-4043 Patti Okuno v. Reliance Standard Life Ins Co**

[2:14-cv-00662](#)

Southern District of Ohio at Columbus

G. Frost

Plaintiff appeals the judgment for defendant on the claims challenging the denial of their application for long term disability benefits. (15 Minutes Per Side).

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**14-1247 Cameron Holbrook v. Cindi Curtin**

[2:13-cv-11235](#)

Eastern District of Michigan at Detroit

D. Grand

L. Zatkoff

Petitioner appeals the district court's judgment denying his 28 U.S.C. Section 2254 petition for a writ of habeas corpus. (15 Minutes Per Side)

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**15-6097 Tommy Puckett, et al. v. Lexington-Fayette Urban Cnty, et al.**

[5:13-cv-00295](#)

Eastern District of Kentucky at Lexington

K. Caldwell

Plaintiffs appeal the judgment for Defendants in this civil action alleging state and federal constitutional violations arising from Kentucky's amendment of annuity provisions governing cost of living adjustments for certain retirement funds. (15 Minutes for Plaintiffs; 15 Minutes to be Shared by Defendants)

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**14-4067 USA v. Derek Warner, Jr.**

[1:13-cr-00436-1](#)

Northern District of Ohio at Cleveland

B. Pearson

Defendant appeals the denial of his motion to sever, the denial of his motion to suppress, and his conviction and sentence for 8 counts of distribution of heroin, 1 count of distribution of cocaine, and 2 counts of distribution of cocaine base. (To Be Submitted On Briefs)

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**15-2094 Lennox Emanuel v. Wayne County, MI, et al.**

[2:13-cv-13175](#)

Eastern District of Michigan at Detroit

R. Cleland

In this appeal from a district court order granting summary judgment to the defendants-appellees in this 42 U.S.C. Section 1983 civil rights action, the plaintiff-appellant argues that the evidence supports his claims that the defendants-appellees illegally arrested him and subjected him to malicious prosecution. (To Be Submitted On Briefs)

Thursday, April 21, 2016

636 - 6th Floor East Courtroom, 8:30 A.M.

Before: **Sutton, Griffin, Oliver**

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**14-2498 USA v. Rufus Wilson**

[2:13-cr-20369-2](#) Eastern District of Michigan at Detroit

B. Friedman

**14-2528 USA v. John Davis**

[2:13-cr-20369-1](#) Eastern District of Michigan at Detroit

B. Friedman

In these criminal actions tried to a jury, defendants appeal their convictions of conspiracy to murder an employee of the United States, conspiracy to possess with intent to distribute a controlled substance, possession of a firearm in furtherance of a drug trafficking crime, possession of a firearm by a felon, and possession with intent to distribute controlled substances. (10 Minutes for each Defendant; 20 Minutes for Plaintiff)

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**15-5385 Ricky Edwards v. CSX Transportation Inc.**

[2:12-cv-00384](#) Eastern District of Tennessee at Greeneville

D. Inman

Plaintiff appeals the summary judgment for Defendant in this civil action under the Federal Employers' Liability Act and the Locomotive Inspection Act arising from injuries Plaintiff sustained after falling from a train car. (15 Minutes Per Side).

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**15-2220 John Buchanan, Jr. v. James Metz, II, et al.**

[2:12-cv-15511](#) Eastern District of Michigan at Detroit

G. Rosen

Plaintiff appeals the summary judgment for defendants in this civil rights action alleging claims under the Fourth Amendment and state law for malicious prosecution and false arrest. (15 Minutes Per Side)

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**15-2063 Edwin Siegner v. Township of Salem, et al.**

[4:14-cv-11579](#) Eastern District of Michigan at Flint

L. Parker

In this employment discrimination action alleging claims under Title VII and state law, plaintiff appeals the summary judgment for the defendants. (15 Minutes Per Side)

Friday, April 22, 2016

All Cases on Briefs

Before: **Sutton, Griffin, Oliver**

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**15-5972 Barbara Fakhouri v. Ober Gatlinburg, Inc.**

[3:13-cv-00517](#)

Eastern District of Tennessee at Knoxville

C. Collier

Plaintiff appeals the summary judgment for Defendant in this diversity action for negligence arising from an accident at Defendant's ski resort. (To Be Submitted On Briefs)

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**15-3553 Dixie Fuel Company, et al. v. Arlis Hensley, et al.**

14-0049 bla

Benefits Review Board

Petitioners seek review of a decision of the Benefits Review Board in this dispute over an award of Black Lung disability benefits. (To Be Submitted On Briefs)

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**15-5499 USA v. Gerald Gibbs**

[2:14-cr-00021-1](#)

Eastern District of Kentucky at Covington

D. Bunning

Defendant appeals his conviction for conspiracy to distribute cocaine. (To Be Submitted On Briefs)

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**15-5761 Robert FATHERA v. Smyrna Police Department, et al.**

[3:10-cv-01013](#)

Middle District of Tennessee at Nashville

E. Knowles

Plaintiff appeals the judgment for Defendant in this civil-rights action alleging excessive force. (To Be Submitted On Briefs)



Friday, April 22, 2016

403 - 4th Floor Courtroom, 8:30 A.M.

Before: **Moore, Gibbons, Davis**

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**15-3854 Brian Bash v. Textron Financial Corporation**

[5:12-cv-00987](#)

Northern District of Ohio at Akron

P. Gaughan

The Chapter 7 Trustee appeals the dismissal of his claims brought on behalf of the debtor against Textron Financial Corporation. (15 Minutes Per Side)

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**15-1449 H.D.V. - Greektown, LLC, et al. v. City of Detroit, et al.**

[2:06-cv-11282](#)

Eastern District of Michigan at Detroit

A. Tarnow

In this First Amendment civil rights action resolved by settlement, plaintiffs appeal the order awarding them attorney fees under 42 U.S.C. section 1988. (15 Minutes Per Side)

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**15-4095 USA v. George Rafidi**

[4:14-cr-00386-1](#)

Northern District of Ohio at Youngstown

P. Gaughan

Defendant appeals his jury conviction and sentence for assault on a federal officer and using or carrying a firearm during and in relation to a crime of violence. (15 Minutes Per Side)

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**15-3932 USA v. Glen Galemmo**

[1:13-cr-00141-1](#)

Southern District of Ohio at Cincinnati

S. Beckwith

Claimant Kristine Galemmo appeals the judgment granting in part and denying in part each party's motion for summary judgment and the final order of forfeiture. (To Be Submitted On Briefs)

Friday, April 22, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Daughtrey, Clay, Stranch**

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**13-4145 Carrie Braun v. Ultimate Jetcharters, Inc., et al.**

[5:12-cv-01635](#)

Northern District of Ohio at Akron

S. Lioi

**14-3816 Carrie Braun v. Ultimate Jetcharters, Inc., et al.**

[5:12-cv-01635](#)

Northern District of Ohio at Akron

S. Lioi

**15-3462 Carrie Braun v. Ultimate Jetcharters, Inc., et al.**

[5:12-cv-01635](#)

Northern District of Ohio at Akron

S. Lioi

Defendants appeal and plaintiff cross-appeals in this action alleging that plaintiff's employment as a pilot for Ultimate Jetcharters Inc. was marred by sexual harassment and gender discrimination. Defendants also appeal the amended judgment for the plaintiff on her state law retaliation claim. (15 Minutes Per Side).

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**15-5404 USA v. Demario Maxie**

[5:14-cr-00004-2](#)

Western District of Kentucky at Paducah

T. Russell

Defendant appeals his conviction for possession of a firearm by a convicted felon and aiding and abetting the possession of a firearm by a convicted felon. (To Be Submitted On Briefs)